HIGH COURT OF UTTARANCHAL AT NAINITAL

C-482 NO. 981 OF 2006

Nagendra Singh,
S/o late Ratan Singh,
R/o Village Aamwala, Upper Post Office Nalapani,
Tapowan, Dehradun. .....Applicant.

Vs.

1. State of Uttaranchal, through Home Secretary, Secretariat, Uttaranchal, Dehradun.
2. The Superintendent of Police, C.B.C.I.D., Dehradun, Uttaranchal. .....Opp. Parities.

Hon'ble Rajesh Tandon, J.

Heard Sri Vinod Sharma, counsel for the applicant and A.G.A. for the State.

2. By the present application filed under Section 482 of the Code of Criminal Procedure, applicant has prayed for following relief:

> "It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application and to direct the Opposite Party NO. 1 to ensure the further investigation with inj stipulated period by C.B.C.I.D. in Case Crime No. 491/2005 U/s 147/148/307/323/325/504 I.P.C. and Case Crime No. 491-A/2005 U/s 147, 323, 506 I.P.C. Police Station Kotwali, District-Dehradun.
>
> It is further prayed that till result of investigation report of C.B.C.I.D. effect of proceedings in Case Crime No. 491/2005 U/s 147/148/307/323/325/504 I.P.C. And Case

Crime No. 491-A/2005 U/S 147, 323, 506 IPC, Police Station Kotwali, District Dehradun may kindly be kept in abeyance otherwise applicant will suffer irreparable loss and injury."

3. The proper course will for the applicant to approach the Senior Superintendent of Police, who shall pass appropriate orders for further investigation in accordance with the provisions of the Code of Criminal Procedure.

4. Applicant has also submitted that the F.I.R. has been lodged against him on 15th December, 2005 for the offence under Section 147/148/307/323/325 and 504 I.P.C. whereas on the FIR lodged by the applicant on 17.12.2005, no action has been taken inspite of the fact that the applicant has sustained eight stitched wound injuries on the left side of his head.

5. In view of the aforesaid so far as Case Crime No. 491-A/2005 under Section 147, 323, 506 I.P.C is concerned, the respondent nos. 1 and 2 are directed to consider the case of the applicant for further investigation.

6. Subject to aforesaid observations, application filed under Section 482 of the Code of Criminal Procedure is disposed of.

(Rajesh Tandon, J.)

01.12.2006
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